



2300 Lake Elmo Drive
Billings MT 59105

07/24/2017

EA NOTICE

TO: Environmental Quality Council*
Director's Office, Dept. of Environmental Quality*
Montana Fish, Wildlife & Parks*
 Director's Office
 Parks Division
 Fisheries Division
 Wildlife Division
 Comm Ed Division
 Lands Section
 Design & Construction
 Legal Unit
 Regional Supervisors
John Tubbs, Governor's Office*
Dave Parker, Communications Director, Governor's Office*
Montana Historical Society, State Preservation Office*
Janet Ellis, Montana Audubon Council*
Montana Wildlife Federation*
Montana State Library*
James Domino, DNRC*
George Ochenski
William Semmens, MDT*
Bob Gibson*
Brett French*
Montana Environmental Information Center*
Wayne Hirst, Montana State Parks Foundation*
FWP Commissioner Matt Tourtlotte*
Montana Parks Association/Our Montana (land acquisition projects)
Matt Wolcott, DNRC Area Manager, Southern Land Office*
Crow Reservation*
Northern Cheyenne Reservation*
Other Local Interested People or Groups*
* (Sent electronically)

Ladies and Gentlemen:

Attached for your review is a Draft Environmental Assessment (EA) outlining Montana Fish, Wildlife and Parks (FWP) proposal to acquire approximately one acre of land and realigning approximately 1000 feet of the access road away from the riverbank and across the acquired parcel at Captain Clark FAS on the Yellowstone River. Captain Clark FAS is located approximately 10 miles southwest of Custer and 40 miles

northeast of Billings, Montana.

The objective of this proposed project is to provide safe, consistent, and permanent access to Captain Clark FAS. During periods of high river flows, a side channel of the Yellowstone River has been eroding the riverbank adjacent to the existing FAS access road. FWP has already made several repairs to the road and has tried to slow the erosion process with the use of rocks and vegetation along the riverbank, without success. The road provides the only land access to this site and can't be relocated without encroaching on adjacent private land. Without taking the proposed action, FWP anticipates that the existing road will become impassable cutting off all road access to the FAS.

Any questions about this project should be directed to Ryan Taynton (406-633-0081). All comments must be received by August 9, 2017. Please address written comments to:

Captain Clark FAS Proposed Parcel Acquisition and Road Realignment Project

Montana Fish, Wildlife and Parks, Region 5

2300 Lake Elmo Drive

Billings, MT 59105

Thank you for your interest,

A handwritten signature in cursive script, appearing to read "Barb S. Beck".

Barb S. Beck
Region 5 Supervisor

Enclosure

ENVIRONMENTAL ASSESSMENT CHECKLIST

PART I. PURPOSE OF AND NEED FOR ACTION

1. Project Title: Captain Clark Fishing Access Site Parcel Acquisition and Road Realignment

2. Type of Proposed Action:

Montana Fish, Wildlife & Parks (FWP) proposes to acquire approximately one acre of land adjacent to the Captain Clark Fishing Access Site (FAS) in order to realign the access road to the FAS parking area and boat ramp away from the Yellowstone River bank.

3. Location Affected by Proposed Action:

Captain Clark FAS is located approximately 10 miles southwest of Custer and 40 miles northeast of Billings, Montana, approximately 3/4 mile north of Interstate 94 and 1/2 mile northwest of Custer Frontage Road, Lat. 46.074, Long. -107.718, Sections 26 and 27, Township 4 North Range 32 East.

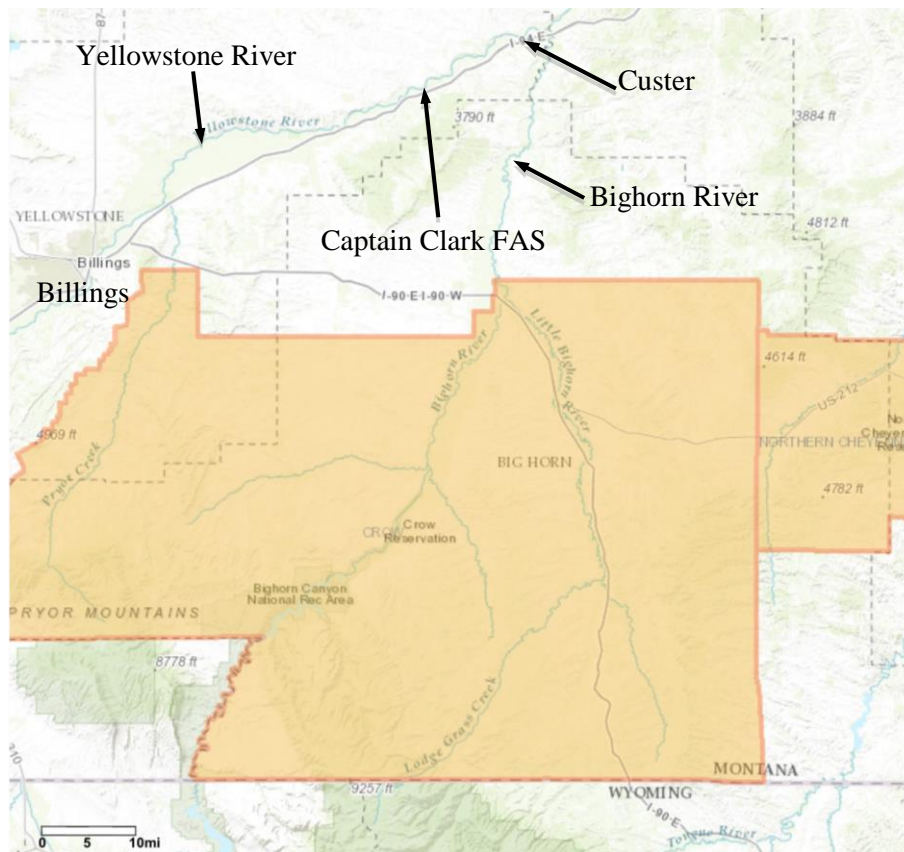


Figure 1 – General Location of Captain Clark FAS, Custer, Montana

4. Agency Authority for the Proposed Action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs FWP to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection of fees and charges for the use of fishing access sites, and contains rule-making

authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guide public involvement and comment for improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the Proposed Action in relation to this rule. See *Appendix A* for HB 495 qualification.

5. Need for the Action(s):

Captain Clark FAS, located on the Yellowstone River approximately 40 miles east of Billings, Montana, was acquired in fee title in 1965. Existing facilities at the FAS include a boat ramp, a handicap-accessible fishing pier, campsites, a parking area, and a $\frac{3}{4}$ -mile long access road. The last .3 miles of the road borders a backwater slough that became an active channel several years ago, when a gravel bar began forming in the river at the mouth of the slough. During periods of high river flows the gravel bar is positioned to direct disproportionate amounts of water down the slough causing excessive erosion of the riverbank adjacent to the access road. FWP has already made several repairs to the road and has tried to slow the erosion process with the use of rocks and vegetation along the riverbank, without success. The road provides the only land access to this site and can't be relocated without encroaching on adjacent private land. Without taking additional action, FWP anticipates that the road will become impassable and public access to the FAS will be cut off.

The adjacent landowner has been contacted by FWP and is agreeable to discussing the sale of a small parcel of land that would allow FWP to move this short section of the access road further away from the river. The amount of land needed to move the access road is approximately one acre (Figures 2 and 3).

6. Objectives for the Action(s):

The objective of the proposed project is to provide safe, consistent, and permanent access to Captain Clark FAS facilities by acquiring approximately one acre of land and realigning approximately 1000 feet of the access road away from the riverbank and across the acquired parcel

7. Project Size: estimate the number of acres that would be directly affected:

The proposed project involves the purchase of approximately one acre of land adjacent to the FAS access road.

8. Affected Environment (A brief description of the affected area of the proposed project):

Captain Clark FAS is located on 148 acres of public land owned in fee title by FWP. The property is located within the 100-year floodplain of the Yellowstone River. According to the Montana Natural Heritage Program Wetland Mapping Program, there are no permanent surface waters or wetlands on the project site and a small portion is identified as Riparian, Lotic, Scrub-shrub. The site does not provide critical habitat for any wildlife or plant species. A search of the Montana Natural Heritage Program (MNHP) element occurrence database indicates occurrences of bald eagle (listed as DM by the US Fish and Wildlife Service (USFWS)) in the vicinity of the proposed project. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the proposed project. The search indicated that great blue

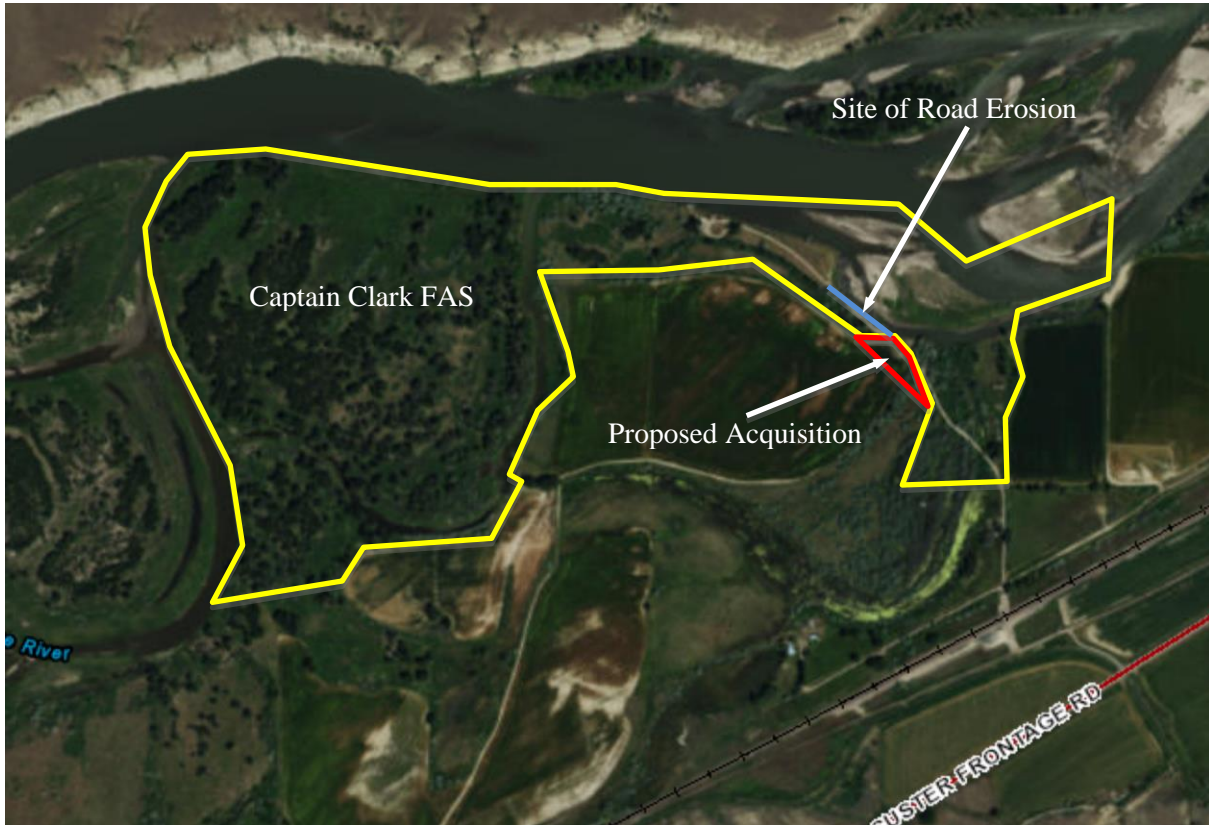


Figure 2 - Captain Clark FAS Parcel Map, Custer, Montana

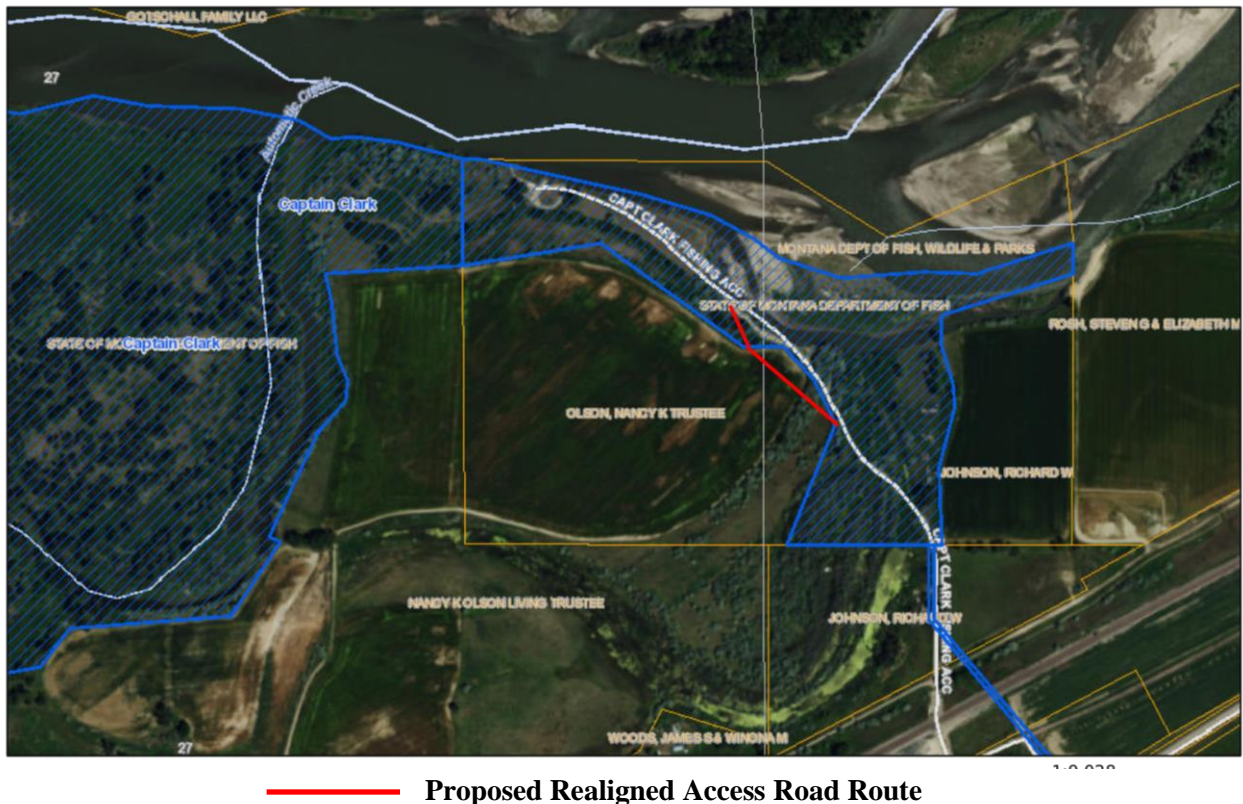


Figure 3 - Captain Clark FAS Preliminary Concept Plan, Custer, Montana

heron, greater sage-grouse, red-headed woodpecker, black-tailed prairie dog, spotted bat, hoary bat, little brown myotis, sauger, and spiny softshell, Montana animal Species of Concern, have been observed in or near the proposed project site.

9. Description of Project:

FWP proposes to purchase approximately one acre of land adjacent to the FAS access road and realign approximately 1,000 feet of the Captain Clark FAS access road away from the riverbank to minimize the risk of erosion of the road and to maintain a safe and permanent access to the FAS facilities.

10. List any Other Local, State, or Federal Agency that has Overlapping or Additional Jurisdiction:

(a) **Permits:** Permits would be filed at least 2 weeks prior to project start.

<u>Agency Name</u>	<u>Permits</u>
Yellowstone County	Floodplain Permit

(b) **Funding:**

<u>Agency Name</u>	<u>Funding Amount</u>
Exxon Mobil Settlement Mitigation Funds	
▪ Land Acquisition	\$ 2,800
▪ Road Construction	\$50,000

11. History of the Planning and Scoping Process, and Any Public Involvement:

The public will be notified in the following manners to comment on the Captain Clark Fishing Access Site Proposed Parcel Acquisition and Road Realignment Project, the Proposed Action and alternatives:

- Two public notices in each of these papers: *the Billings Gazette*, and *the Helena Independent Record*.
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.
- Draft EA's will be available at the FWP Region 5 Headquarters in Billings and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 5 issues.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

If requested within the comment period, FWP will schedule and conduct a public meeting on this Proposed Action.

12. Duration of comment period:

The public comment period will extend for (15) fifteen days. Written comments will be accepted until 5:00 p.m., August 9, 2017 and can be emailed to rtaynton@mt.gov or mailed to the addresses below:

Captain Clark FAS Proposed Parcel Acquisition and Road Realignment Project
Montana Fish, Wildlife & Parks, Region 5
2300 Lake Elmo Drive
Billings, MT 59105

13. List of Agencies Consulted/Contacted During Preparation of the EA:

- Montana Fish, Wildlife & Parks
- Montana Natural Heritage Program
- State Historic Preservation Office

14. Names, Address, and Phone Number of Project Sponsor:

Ryan Taynton, FWP Region 5 FAS Manager, 2300 Lake Elmo Drive, Billings, MT 59105, (406) 247-2964

15. Other Pertinent Information:

Captain Clark FAS is the only FAS in the 45-mile stretch between Bundy Bridge FAS (river mile 328) and Myers Bridge FAS (river mile 283) and is a heavily used site for boating, floating, fishing, picnicking, wildlife viewing, and walking.

PART II. IDENTIFICATION OF THE PREFERRED ALTERNATIVES

Alternative A, the **Proposed Alternative**, and **Alternative B**, the **No Action Alternative**, were considered.

- **Alternative A (Proposed Alternative)** is as described in Part I, paragraph 9 (Description of Project), to acquire approximately one acre of land and realign the access road away from the riverbank across the acquired parcel. There are beneficial consequences to acceptance of the **Proposed Alternative**.
- **Alternative B (No Action Alternative)** Under the No Action Alternative, the FWP land acquisition and road realignment would be denied and the area would remain as an active fishing access site without the proposed improvements. Without taking additional action, FWP anticipates that the road will become impassable and public access to the FAS will be cut off. The No Action Alternative would

have no significant or potentially negative environmental impacts or consequences. The FAS would continue on with present conditions and the land use on the adjacent land would remain the same.

Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented: Only the proposed alternative and the no action alternative were considered. There were no other alternatives that were deemed reasonably available, nor prudent. FWP has already made several repairs to the road and have tried to slow the erosion process with the use of rocks and vegetation along the riverbank, without success. Neither the proposed alternative nor the no action alternative would have significant negative environmental or potentially negative consequences.

Describe any Alternatives considered and eliminated from Detailed Study:

None. Only the proposed alternative and the no action alternative were considered. There was no other alternative that were deemed reasonably available, or prudent. Neither the **Proposed Alternative** nor the **No Action Alternative** would have significant negative environmental or potentially negative consequences.

List and explain proposed mitigating measures (stipulations): None

PART III. ENVIRONMENTAL REVIEW

Abbreviated Checklist – The degree and intensity determines extent of Environmental Review. An abbreviated checklist may be used for those projects that are not complex, controversial, or are not in environmentally sensitive areas.

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below
1. Unique, endangered, fragile, or limited environmental resources				X		1
2. Terrestrial or aquatic life and/or habitats				X		2
3. Introduction of new species into an area				X		3
4. Vegetation cover, quantity & quality				X		4
5. Water quality, quantity & distribution (surface or groundwater)				X		5
6. Existing water right or reservation				X		6
7. Geology & soil quality, stability & moisture				X		7
8. Air quality or objectionable odors				X		8
9. Historical &						

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below
archaeological sites				X		9
10. Demands on environmental resources of land, water, air & energy				X		10
11. Aesthetics				X		11

1. No designated critical habitat for any wildlife species is located near the proposed project. According to the MNHP, observations of bald eagle (listed as DM by the USFWS) have been recorded in the vicinity of the proposed project. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the proposed project.

2. The proposed project would have only minor and short-term impacts on wildlife and native plant species. Resident or transient wildlife may temporarily leave the area during construction but would return upon project completion.

3. No new animal or plant species would be introduced to the site as a result of the proposed project.

4. The elimination of vegetation for the implementation of the proposed project would not change the overall abundance and diversity of plant species within the area. The proposed project occupies a small portion of the property. Due to prior agricultural land use, native vegetation has been disturbed in the area of the proposed project. Therefore, the proposed project will have no or minor impact on native vegetation in the area.

5. The proposed project would have no negative impact on water quality, quantity, and distribution. In fact, water quality would improve by reducing riverbank erosion and sedimentation of the river by moving the access road away from the river. There are no delineated wetlands within the project area.

6. The proposed project would have no impact on water rights or reservation.

7. The proposed project will cause limited displacement of soils but the developments will not substantially effect geological features or establish new erosion patterns. Soil disruption for this site is localized. Erosion control measures will be in effect and disturbed area will be reseeded.

8. Minor and temporary dust and vehicle emissions would be created by construction equipment during construction. However, the construction time is short and human effects will be limited due to the sparse population near the property.

9. This project uses no federal funds so the Federal 106 Regulations do not apply. Prior to the commencement of construction, FWP will contact the State Historic Preservation Office (SHPO) and seek a concurrence from SHPO on FWP recommendations for the project. If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

10. Because the area is already used as a FAS and the project area is small, the proposed project would

have no additional impact on the aesthetics of the area.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Below
1. Social structures and cultural diversity				X		1
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		2
3. Local and state tax base and tax revenue				X		3.
4. Agricultural production				X		4
5. Human health				X		5
6. Quantity & distribution of community & personal income				X		
7. Access to & quality of recreational activities				X		7
8. Locally adopted environmental plans & goals (ordinances)				X		
9. Distribution & density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

1. The proposed project will have no impact on social structures and cultural diversity.

2. The proposed project would have no impact on existing public benefits provided by wildlife populations and/or habitat.

3. The proposed project would have no impact on local and state taxes and tax revenues.

4. The site is adjacent to surrounding agricultural land used for grazing and hay production. However, the acquisition property is small.

5. The proposed project would have no impact on human health and would improve public safety.
6. The proposed developments will improve recreational opportunities within the community.

PART IV. NARRATIVE EVALUATION AND COMMENT

All of the pertinent or potential impacts of the project have been reviewed, discussed, and analyzed. None of the projects reviewed were complex, controversial, or located in an environmentally sensitive area. The projects being implemented are already on an existing range or altered areas that together with the insignificant environmental effects of the proposed action, indicates that this should be considered the final version of the environmental assessment. There are no significant environmental or economic impacts associated with the proposed alternative.

PART V. ENVIRONMENTAL CONSEQUENCES

Does the proposed action involve potential risks or adverse effects, which are uncertain but extremely harmful if they were to occur? No

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant? Individually, the proposed actions have minor impacts. However, it was determined that there are no significant or potentially significant cumulatively impacts. Cumulative impacts have been assessed considering any incremental impact of the proposed action when they are combined with other past, present, and reasonably foreseeable future actions, and no significant impacts or substantially controversial issues were found. There are no extreme hazards created with this project and there are no conflicts with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan.

Recommendation and justification concerning preparation of EIS:

There are no significant environmental or economic impacts associated with the proposed alternative; therefore, an EIS is not required.

PART VI. EA CONCLUSION SECTION

Individuals or groups contributing to, or commenting on, this EA:

- Ryan Taynton, Region 5 FAS Manager, 2300 Lake Elmo Drive, Billings, MT 59105, (406) 247-2964
- MT Fish Wildlife and Parks

EA prepared by:

Andrea Darling, Darling Natural Resource Consulting, Montana City, MT 59634

Date Completed:

July 10, 2017

Describe public involvement, if any:

This draft EA will be advertised on FWP's web site and through a legal ad in the *Billings Gazette*, *Billings, MT* announcing a public comment period. A press release will also announce the project and comment period.